

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

MIDDLEBROOKS SHAPIRO & NACHBAR, P.C.  
1767 MORRIS AVENUE, SUITE 2A  
UNION, NEW JERSEY 07083 (908) 687-6161  
Melinda D. Middlebrooks, Esq (MM-4198)  
Attorneys for First Occupational Center of New  
Jersey.

In Re:

FIRST OCCUPATIONAL CENTER OF NEW  
JERSEY,  
Debtor and Debtor-in-Possession.

Case No.: 10-47328 (MS)

Judge: Morris Stern

Chapter: 11

Recommended Local Form:

☒ Followed

☐ Modified

**APPLICATION FOR RETENTION OF PROFESSIONAL**

1. The applicant, First Occupational Center of New Jersey, is the (check all that apply):

☐ Trustee: ☐ Chap. 7 ☐ Chap. 11 ☐ Chap. 13.

☒ Debtor: ☒ Chap. 11 ☐ Chap. 13

☐ Official Committee of \_\_\_\_\_

2. The applicant seeks to retain the following professional Raymond T. Cirz, MAI, CRE, FRICS  
to serve as (check all that apply): Managing Director,

Integra Realty Resources

☐ Attorney for: ☐ Trustee ☐ Debtor-in-Possession

☐ Official Committee of \_\_\_\_\_

☐ Accountant for: ☐ Trustee ☐ Debtor-in-possession

☐ Official Committee of \_\_\_\_\_

☒ Other Professional:

☐ Realtor ☐ Appraiser ☐ Special Counsel

☐ Auctioneer ☒ Other (specify): Arbitrator

3. The employment of the professional is necessary because:  
the services of an Arbitrator are required under Paragraph 4 of the Court Order  
Requiring FedCap Rehabilitation Services, Inc. to Pay to First Occupational  
Center of New Jersey Inc. Use and Occupancy re: 123 Cleveland St., Orange, NJ
4. The professional has been selected because:  
Mr. Cirz has experience as a real estate arbitrator and is actively engaged in real  
estate valuation and consulting, including acquisition and disposition analyses,  
portfolio valuations for major institutions, and other advisory services. See, a  
true and correct copy of Mr. Cirz's Professional Qualifications, annexed hereto as Exhibit A.
5. The professional services to be rendered are as follows:  
to arbitrate and render a decision with respect to the rent and other terms of  
FedCap's occupancy of First Occupational's real property known as  
123 Cleveland St., Orange, NJ.
6. The proposed arrangement for compensation is as follows:  
Hourly rate of \$375.00 subject to a Fee Application.  
\_\_\_\_\_  
\_\_\_\_\_

7. To the best of the applicant's knowledge, the professional's connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

☒ None

☐ Describe connection: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. To the best of the applicant's knowledge, the professional (check all that apply):

☒ does not hold an adverse interest to the estate.

☒ does not represent an adverse interest to the estate.

☒ is a disinterested person under 11 U.S.C. § 101(14).


☒ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. § 327(e).

☐ Other; explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wherefore, the applicant respectfully requests authorization to employ the professional to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may hereafter determine and allow.

Date: Jan. 24, 2011

  
Signature of Applicant

Robert J. Yeola, Pres. & CEO  
Name of Applicant

Exhibit

"A"

## Professional Qualifications

**Raymond T Cirz, MAI, CRE, FRICS**

### Experience

Managing Director in the firm of INTEGRA REALTY RESOURCES – NEW YORK. Actively engaged in real estate valuation and consulting, including acquisition and disposition analyses, portfolio valuations for major public and private institutions, financial analyses, market and feasibility studies and other advisory services. Experience is concentrated in major domestic and international urban properties including such developments as the Pacific Design Center in Los Angeles, International Place in Boston, the Willard Hotel in Washington DC, and the World Trade Center in New York City. Retail is another area of particular expertise with valuation and consulting expertise involving over 400 regional malls including the Westchester, Mall at Short Hills, and South Street Seaport. He currently serves as CEO of Integra Realty Resources with 60 offices located throughout the country.

### Professional Activities & Affiliations

Member: American Society of Real Estate Counselors CRE  
Member: Appraisal Institute, Member (MAI) Appraisal Institute  
Member: Royal Institute of Chartered Surveyors, Fellow (FRICS)  
Member: International Council of Shopping Centers  
Member: National Council of Real Estate Investment Fiduciaries  
Member: Urban Land Institute  
Member: National Association of Realtors

### Licenses

New Jersey, General Certified Appraiser, RG00418, Expires December 2011  
New York, General Certified Appraiser, 46000018410, Expires June 2011  
Georgia, General Certified Appraiser, 214086, Expires May 2011  
Massachusetts, General Certified Appraiser, 267, Expires May 2011  
Connecticut, General Certified Appraiser, RCG0000666, Expires April 2011  
Florida, General Certified Appraiser, RZ2205, Expires November 2010  
Pennsylvania, General Certified Appraiser, GA-001706-R, Expires June 2011  
Minnesota, General Certified Appraiser, 40164944, Expires August 2010  
North Carolina, General Certified Appraiser, A7119, Expires June 2011  
Tennessee, General Certified Appraiser, 00002090, Expires July 2010  
South Carolina, General Certified Appraiser, CG6565, Expires June 2010  
New Jersey, NJ Real Estate Salesperson, 8031255, Expires June 2011

### Education

B.S. Degree, Business Management, Fairleigh Dickinson University, Rutherford, New Jersey (1974).  
Graduate of New York University's Real Estate Institute, S.C.E., New York, New York (1975).  
Successfully completed numerous real estate and related courses and seminars  
Appraisal Institute, accredited universities and others.  
Currently certified by the Appraisal Institute's program of continuing education.

### Articles and Publications

Author: "Valuation and Condominium Conversion", The Appraisal Journal, January 1982  
Co-Author: "Developing a Better Cash Flow Projection," The Appraisal Journal, January 1987  
Lecturer: "Real Estate Appraisal Principals" course at New York University's Real Estate Institute  
Lecturer: AICPA National Real Estate Conference, 2004-2007  
Lecturer: International Council of Shopping Centers, Next Generation, NYC 2009  
Lecturer: The Counselors of Real Estate, National Meeting, NYC 2009

## Professional Qualifications

### Qualified Before Courts & Administrative Bodies

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Recognized as an expert witness, Mr. Cirz has testified in various courts throughout the country on matters involving bankruptcy, partnership disputes, condemnation, and ad valorem taxation. He has successfully testified in trials where the client has won awards which exceed the equivalent of \$100 million. Mr. Cirz is a past member of the New Jersey Supreme Court Committee on Taxation.

New York Superior Court  
New Jersey State Tax Court  
New Jersey Superior Court  
Federal Bankruptcy Court  
United States District Court

### Miscellaneous

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Mr. Cirz is a recognized national expert in the commercial real estate field and has lectured at New York University as well as many professional and educational organizations including the Appraisal Institute, The Counselors of Real Estate, International Council of Shopping Centers, Rutgers University and New Jersey County Tax Board Associations. He has been interviewed by many national publications including the New York Times, Wall Street Journal and Bloomberg News and has had articles published in the Appraisal Journal and Shopping Center World.

## **INTEGRA REALTY RESOURCES – NORTHERN NEW JERSEY/NEW YORK OFFICE PROFILE**

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Integra Realty Resources – Northern New Jersey/New York provides valuation and consulting services for various types of real property with special emphasis on investment grade real estate. We serve the legal profession, pension funds, investment advisory firms, corporations, private clients, developers, lenders, investors, governmental agencies, real estate owners, and other professionals concerned with the value, use, and feasibility of real property.

Integra Realty Resources – Northern New Jersey/New York is the result of the consolidation of Krauser & Cirz, Inc. with Integra Realty Resources in 1999. Krauser & Cirz, Inc. was originally formed in 1965 to provide commercial, industrial, complex residential and special purpose appraisals for unique appraisal, consultation, and asset management capabilities encompassing a wide variety of property types including industrial, retail, office, apartment, hotels, and residential subdivisions.

Our work product incorporates advanced technical applications and thorough analyses. The substantial number of completed complex property valuation assignments spanning its history evidences the company's highly regarded reputation within the real estate community. The following is a brief description of our areas of particular expertise.

### **Investment/Income Property**

Law firms, financial institutions and governmental agencies have retained the firm to appraise a variety of investment-oriented properties that range from multi-family income properties to the largest CBD office buildings as well as hotels, corporate parks and regional malls.

### **Subdivisions/Master Planned Communities**

Properties range from large single-family housing tracts to entire master planned communities as well as estate class homes. Projects have included the valuation of entire development companies to the valuation of golf course communities to age-restricted housing.

### **Special Purpose Properties**

Appraisal assignments have included a variety of special purpose properties including day care centers, hospitals, baseball parks, tennis clubs, ski resorts, golf courses, airports, student housing, marinas, restaurants, health spas, hotels, automobile dealerships, and leasehold interests.

## **INTEGRA REALTY RESOURCES – NORTHERN NEW JERSEY/NEW YORK**

### **Portfolio Valuation**

Working in conjunction with other Integra offices, we have completed appraisals of portfolios in excess of 200± properties on a regular basis. Through standardized report formats, division of labor and sophisticated communications capabilities we are able to deliver quality reports within expedited timeframes.

### **Fractional Interests**

Appraisal and consulting assignments have included leased fee, leasehold and sandwich positions. The firm has extensive experience in large scale right-of-way assignments. We have also valued complex joint venture interests in both single assets and portfolios.

### **Review and Consultation**

Review and consultation assignments have been completed on a variety of general and special purpose properties, including:

- Field and desktop reviews of narrative appraisals for major institutional clients. Properties have included office, industrial, residential, hotel/motel, special purpose, golf courses and land throughout the United States.
- Consultations with developers of multi-family, retail and office property with special emphasis on cash flow models, highest and best use, feasibility, and market timing.
- Consultation with financial institutions regarding appraisal management and quality control supervision; assisted in preparing appraisal review policies, procedures, and formats; and assisted with screening and selection of fee appraisal firms for assignments.
- Negotiations and arbitration for parties involved in renegotiation of leases, including serving as third-party negotiator and as an appraiser.

### **Litigation Support**

Appraisal and consultation assignments have been completed on a variety of property types for expert testimony and to provide litigation support services to the legal community. Some examples include:

- Field and desktop reviews of reports to determine adequacy and consistency with acceptable appraisal practice and standards prior to deposition and trial.
- Standards of care matters.
- To establish value for civil litigation (bankruptcy, ad valorem, deficiency and eminent domain).

Integra Realty Resources – Northern New Jersey/New York is comprised of twenty professionals and five support personnel.

**CERTIFICATION OF GENUINENESS OF FACSIMILE SIGNATURE**

Joseph M. Shapiro, Esq., of legal age, certifies and says as follows:

1. I am an attorney at law of the State of New Jersey and Associate with the law firm of Middlebrooks Shapiro & Nachbar, P.C., attorneys for First Occupational Center of New Jersey, the above-captioned Chapter 11 Debtor and Debtor-in-Possession (the "Debtor"). I make this Certification of Genuineness of the Facsimile Signature of Rocco J. Meola.

2. I hereby certify to the genuineness of the signature of Rocco J. Meola, on the foregoing documentation. His signature has been accomplished electronically in order to file the papers expeditiously.

3. I will forward a copy of the foregoing documentation with the original signature affixed thereto if requested by the Court or any party.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

/s/ Joseph M. Shapiro  
Joseph M. Shapiro, Esq.

Dated: January 25, 2011